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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,127	07/29/2003	Chris E. Barns	ITL1016US (P16703)	5928
21906 7590 05/13/2008 TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631				
EXAMINER DUONG, KHANH B				
ART UNIT 2822		PAPER NUMBER		
MAIL DATE 05/13/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte : CHRIS E. BARNES, JUSTIN K. BRASK and MARK DOCZY

Application No. 10/629,127
Technology Center 2822

Mailed: May 13, 2008

Before DALE M. SHAW *Chief Appeals Administrator*
SHAW, *Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on March 18, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

EXAMINER'S ANSWER

On March 21, 2007, the Board of Appeals and Interferences mailed an Order

Application No. 10/629,127

Returning Undocketed Appeal, advising the Examiner that a review of the record revealed that the Examiner's Answer did not list the references in the "Evidence Relied Upon" section. It is noted that the Examiner amended the "Evidence Relied" upon section on a PTOL-90 on May 14, 2007. However, further review of the record reveals that the Examiner's Answer mailed March 28, 2006 did not include the "Grounds of Rejection" section as required by MPEP § 1207.02.

In addition, it should be noted that the Related Proceedings Appendix is missing from the Examiner's Answer mailed March 28, 2008.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner for appropriate action on the following:

- 1) issue and mail a PTOL-90 that includes a concise statement of each ground of rejection on review and the Related Proceedings Appendix heading; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

Application No. 10/629,127

cc: TROP PRUNER & HU, PC
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